
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON THOMAS LLEWELYN,

Defendant.

**MEMORANDUM DECISION AND
ORDER DENYING MOTION TO
AMEND JUDGMENT
AND
CREDITING RESTITUTION PAYMENT**

Case No. 2:15-cr-00663-DN

District Judge David Nuffer

Defendant filed a Motion to Amend Judgment (“Motion”) seeking to change the amount of restitution owed to reflect the post-judgment seizure and sale of his property by the victim.¹ The government did not timely file a response to Defendant’s Motion. But at a status conference held on May 14, 2018, the government represented that the victim had received \$31,542.73 from the sale of Defendant’s property, and that there should be credit towards Defendant’s outstanding restitution.²

The Judgment entered in this case ordered Defendant to pay \$64,723.03 in restitution to the victim.³ Defendant stipulated to this restitution amount in his plea statement.⁴ And he does not now challenge the correctness of that amount. Rather, Defendant seeks to adjust the ordered restitution to account for the proceeds the victim received from a subsequent sale of his

¹ [Docket no. 63](#), filed Mar. 27, 2019.

² Minute Entry for Proceedings Held Before Judge David Nuffer, docket no. 59, filed May 14, 2018.

³ Judgment in a Criminal Case (“Judgment”) at 6, [docket no. 56](#), filed Nov. 3, 2017.

⁴ Statement by Defendant in Advance of Plea of Guilty and Plea Agreement ¶ 12.i.(1) at 5, [docket no. 36](#), filed July 12, 2017.

property.⁵ Under these circumstances, amendment of the Judgment is neither appropriate or necessary. But the circumstances do justify crediting Defendant's outstanding restitution obligation with the \$31,542.73 the victim received from the sale of Defendant's property.

Restitution payments are ordered to be paid to the Clerk of the Court,⁶ who then forwards the payment to the victim. This procedure ensures that victims receive restitution payments, and that those payments are accurately credited against a defendant's outstanding restitution obligation. This procedure was not followed with the \$31,542.73 the victim received from the sale of Defendant's property. Regardless of why the procedure was not followed in this instance, the parties are directed to comply the procedure for all future restitution payments.

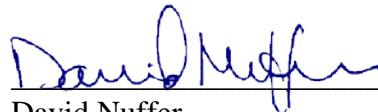
ORDER

IT IS HEREBY ORDERED that Defendant's Motion⁷ is DENIED.

IT IS FURTHER HEREBY ORDERED that the Clerk of the Court is directed to credit Defendant's outstanding restitution obligation with the \$31,542.73 the victim received from the sale of Defendant's property.

Signed April 17, 2019.

BY THE COURT



David Nuffer
United States District Judge

⁵ Motion at 1-2.

⁶ Judgment at 7.

⁷ [Docket no. 63](#), filed Mar. 27, 2019.